IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 21028 of 2004

Between:

1 S.B.B. Rao, S/o. S. Narayana,
C.I.S.F. UNIT, I.G. Mint, Hyderabad, R/o. S.V. Nagar, Chakripuram,

Nagaram, Ranga Reddy District.
2 T. Venkataiah, S/o. T. Pandaiah,
C.I.S.F. UNIT, I.G. Mint, Hyderabad, R/o. Quarter No.9/Type-2, IGMTS

Complex, Cherlapalli, Hyderabad.

..... PETITIONERS

AND

1. The Deputy Commandant, Central Industrial Security Force, CISF Unit,

I.G. Mint, Hyderabad - 500 063.
2 The Inspector, CISF Unit, I.G. Mint, Hyderabad - 500 063.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction(s) essentially in the nature of Writ of Mandamus declaring the action of the Respondents herein in initiating disciplinary proceedings suspending the Petitioners No.1 and 2 herein through Impugned proceedings contained in V-15014/CISF/IGM/2004/2906, Dated 06-11-2004 and proceedings contained in No. 15014/CISF/IGM/2004/2976, Dated 13-11-2004 issued by the Respondent No.1 herein, as bad, illegal, arbitrary, without jurisdiction irrational, illegal and violative of Articles 14, 16 and 21 of the Constitution of India,

Counsel for the Petitioner: MR.KARNAMRAMESH

Counsel for the Respondents: MR.ARAJASHEKAR REDDY (SC FOR CG)

The Court made the following :

THE HONOURABLE SRI JUSTICE K.C.BHANU

WRIT PETITION NO.21028 OF 2004

ORDER:

The present writ petition is filed challenging the proceedings of the first respondent dated 6.11.2004 and 13.11.2004 whereby the petitioners were placed under suspension.

The learned counsel for the petitioners vehemently contended that the impugned proceedings do not indicate the misconduct for which the petitioners were placed under suspension.

On the other hand the learned counsel appearing for the respondents contended that the suspension order need not be a speaking order, hence the order under challenge does not suffer from any legal infirmities.

By proceedings dated 6.11.2004 and 13.11.2004, the petitioners were placed under suspension with immediate effect. The impugned proceedings dated 6.11.2004, reads as follows:

> " Whereas a disciplinary proceedings against No.943512912 Const.S.B.B.Rao of CISF Unit IG Mind Hyderabad is contemplated/pending.
>
> Now therefore the undersigned in exercise of the powers conferred by sub-rule (1) of Rule 33 of CISF Rules,2001 hereby places the above said member of the Force under suspension with immediate effect (6.11.2004).
>
> It is further ordered that during the period that this order shall remain in force the HQrs., of the above said member of the Force shall be CISF UNIT LINES, IG

MIND, CHERLAPALLY and he shall not leave the HQrs., without obtaining the prior permission of the Deputy Commandant, IG Mint."

There is no mention or indication in the impugned proceedings about the alleged misconduct which are in violation of any of the provisions of the Central Industrial Security Forces Rules, 2001. In the absence of any alleged misconduct, this Court is of the opinion that the impugned orders are passed without application of mind and therefore, are liable to be set aside. Accordingly the impugned proceedings are set aside. However, this will not preclude the respondents in taking appropriate decision basing on the material available on record in accordance with law.

The writ petition is allowed accordingly. No costs.

09.12.2004.

mdaa.

Copy to:

1. The Deputy Commandant, Central Industrial Security Force, CISF Unit,
   I.G. Mint, Hyderabad - 500 063.
2. The Inspector, CISF Unit, I.G. Mint, Hyderabad - 500 063.
3. Two CD copies